

# THE HARMAN FIRM, LLP

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June 12, 2017

**Via ECF**

Hon. Vernon S. Broderick  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**Re: *De La Cruz v. Trejo Liquors, Inc.* 16-cv-4382**

Dear Judge Broderick:

We represent Plaintiffs Paulino De La Cruz and Juventino Ramos in the above-referenced action and respectfully request that the Court deny Defendants' April 28, 2017 motion to dismiss Plaintiffs' Second Amended Complaint (docket nos. 46 and 47) without prejudice and set a date certain by which Defendants Trejo Liquors, Inc. and Johanny Trejo answer the complaint.

On May 10, 2017, Your Honor issued an order granting Defendants' May 9, 2017 motion to withdraw counsel for Defendants. Consequently, Your Honor stayed this action until June 9, 2017, giving Defendants ample time to retain alternate counsel. However, the stay is now lifted and no attorney has filed an appearance on behalf of either Defendant, and Defendant Trejo Liquors, Inc., by virtue of being a corporation, cannot appear before this Court *pro se*.

*Jones v. Niagara Frontier Transp. Auth.*, 722 F.2d 20, 22 (2d Cir. 1983). As such, we respectfully request that the Court deny Defendants' motion to dismiss without prejudice, as the Court stayed the action before it was fully briefed and no attorney has appeared on behalf of either Defendant, and set a date certain by which Defendants must answer against Plaintiffs' Second Amended Complaint.

Further, Plaintiffs are eager to move their case forward, which was originally filed one year ago on June 10, 2016. Plaintiffs intend to request an expedited discovery schedule so that this case may be trial ready as soon as possible.

Thank you for Your Honor's time and attention to this matter.

Respectfully submitted,



Walker G. Harman, Jr.

cc: Trejo Liquors, Inc. and Johanny Trejo (via certified mail)  
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